IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.495 OF 2004
IN
WRIT PETITION NO.1024 OF 1998

Lalit J. Sheth ..Petitioner.

Vs.

Beejey James & Ors. ..Respondents.

Ms.Lata Bachani i/b.M/s.I.R.Joshi & Co. for the Petitioner.

Ms.Marima, Advocate for the Respondents.

CORAM: S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.

DATED: 21ST SEPTEMBER, 2004

P.C. :

Heard the learned counsel for the Petitioner. None appears for Respondent No.3.

2. The learned counsel for the Petitioner undertakes to file an affidavit of service within a period of two weeks from today.

3. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of our order dated

2nd September, 2004 dismissing the Petition in default. There is no case of inaction, negligence or want of bonafide.

4. In the aforesaid facts and circumstances, Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c) subject to the condition that the Petitioner shall deposit a sum of Rs.1000/- with the Maharashtra State Legal Services Authority within a period of two weeks from today, as condition precedent.

5. The learned counsel for the Petitioner states that a copy of the Petition will be furnished to the learned Advocate for Respondent No.1 within a week from today.

6. Place the Writ Petition on board for final hearing on 11th October, 2004.

(S.Radhakrishnan, J.)

(S.J.Vazifdar, J.)